

## SECTION 16      CONTENTS

16.1	Introduction	16-1
16.2	Background	16-1
16.3	Federal Programs and Future Planning And Development	16-1
16.4	Prospects for Future Federal Involvement	16-5

### **Table**

16-1	Threatened or Endangered Species	16-4
------	----------------------------------	------

## SECTION 16

STATE WATER PLAN - JORDAN RIVER BASIN

# FEDERAL WATER PLANNING AND DEVELOPMENT

**In the past, federal agencies have played a big role in funding water development projects. This practice is currently in transition with federal agencies decreasing their funding for water development while increasing their regulatory responsibilities.**

### 16.1 Introduction

This section describes the involvement of federal agencies in Jordan River Basin water planning and development, including past and expected future involvement. Although the activities of federal agencies are changing, many programs are still available to benefit basin residents. To make the best use of these programs requires the local entities to be knowledgeable of ways to access these benefits. With this information, it is possible to develop better interagency and local working relationships.

### 16.2 Background

The role of the federal government is changing from one of construction and development to one of management, preservation, conservation and maintenance. Federal funding programs are decreasing while regulatory programs are on the increase. With the change in federal agency activities, the state is being called upon to take a more active role in the planning and funding of local water projects. Although the federal government has decreased many funding programs, several federal agencies still have management responsibilities and regulatory authorities that are expected to continue indefinitely. Consequently, cooperative participation with federal agencies will continue to be very helpful to the state.

The state is being called upon to shoulder additional financial responsibilities to carry out a number of federally mandated programs. Funding these federal programs may impair the state's ability to respond to local requests for project funding.

The primary concerns expressed by the various federal agencies in the 1990 *Utah State Water Plan* are: 1) Reserved water rights, 2) interrelated

planning (multiple-use planning), 3) stream and riparian habitat loss, and 4) water rights filings. An additional concern that has surfaced is coordination between federal, state and local officials. In recent years, progress has been made in each of these areas, particularly in the area of coordination between various federal, state and local agencies.

### 16.3 Federal Programs and Future Planning and Development

The various federal agencies and the programs they provide are briefly described on the following pages. Also see Section 8. Some project planning and implementation being considered by various agencies are also discussed. On October 20, 1994, the Secretary of Agriculture signed a memorandum implementing the reorganization authorities contained in HR 4217, the Federal Crop Insurance Reform Act of 1994, Public Law No. 103-354. This reorganization changed the name and activities of some federal agencies involved in the state water planning effort. These changes, as they effect the *State Water Plan*, are briefly discussed in the following subsections. Two of the listed agencies, Bureau of Reclamation (BOR) and the Corps of Engineers (COE), were primarily development oriented in the past, with emphasis on relatively large projects. At the present time, the BOR is in a transitional phase with increasing emphasis on management of existing infrastructure while the COE has been increasing its regulatory responsibilities.

#### 16.3.1 Bureau of Land Management

The Federal Land Policy and Management Act gives the Bureau of Land Management (BLM) authority for inventory and comprehensive planning

for all public lands and resources under its jurisdiction, including water quality considerations. Within the state as a whole, vast areas of land fall under BLM jurisdiction. In the Jordan River Basin, however, the BLM manages only 9,778 acres scattered throughout the valley in several small patches (See Figure 3-3 for locations). The largest block of BLM ground is located in Butterfield Canyon in the Oquirrh Mountains at the southwest portion of the Basin. The management of BLM ground is outlined in the bureau's *Pony Express Resource Management Plan*.

#### 16.3.2 Bureau of Reclamation

The Bureau of reclamation programs for water resources fall into four broad categories: investigations, research, loans and service. All require close cooperation with the concerned entities.

**Investigation Programs** - General investigations are conducted for specific and multipurpose water resources projects, including an environmental assessment.

**Research Programs** - The bureau conducts research on water-related design; construction; materials; atmospheric management; and wind, geothermal and solar power. Most programs are conducted in cooperation with other entities.

**Loan Programs** - These programs have provided federal loans to qualified organizations wishing to construct or improve smaller and generally less complex water resources development. The bureau has recently reassessed its loan programs and concluded that they need major redirection. As a result, The bureau is no longer accepting applications for loans.

**Service Programs** - These are intergovernmental specialized technical service programs designed to provide data, technical knowledge and expertise to states and local government agencies to help avoid duplication of special service functions. Local governments pay for requested services.

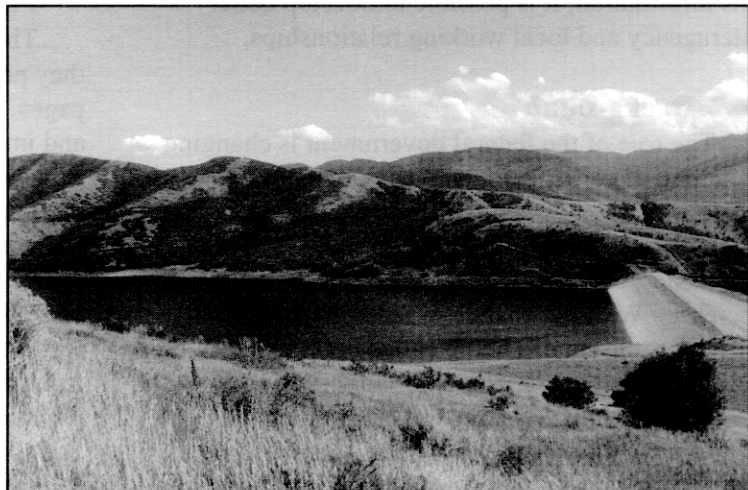
#### 16.3.3 Cooperative State Research, Education, and Extension Service

This new agency is assigned responsibility for all cooperative state and other research programs presently performed by the Cooperative State

Research Service, all cooperative education and extension programs presently performed by the Extension Service, and such other functions related to cooperative research, education and extension as may be assigned.

#### 16.3.4 Corps of Engineers

The Corps of Engineers (COE) was development oriented in the past, with emphasis on large flood control projects. The COE, jointly with the Utah Department of Natural Resources, completed the *Wasatch Front and Central Utah Flood Control Study* in 1984, a document with considerable pertinent flood-related data for the Jordan River Basin. Today's COE, though still involved with flood control and mitigation, has taken on the additional role, of regulating the nation's wetlands and waterways. As part of the federal permitting process (Section 404, Clean Water Act), the COE investigates the technical feasibility, environmental impacts and social acceptability of any channel improvement or development in wetlands and water courses.



*Little Dell Reservoir*

Local entities and interest groups can petition Congress for assistance if they are unable to cope with large water resource problems. Requests for assistance with smaller problems can be made directly to the Corps of Engineers. The COE can investigate economic and technical feasibility and social and environmental acceptability of remedial measures. When the problems cover an entire river basin, it is studied as a unit. Close coordination is maintained

with local interests, the state and other federal agencies. Existing COE projects are the Jordan River and Surplus Canal, completed in 1962, and Little Dell Reservoir, completed in 1993. Projects in progress are the Mill Creek flood diversion to Hillview Detention Basin (has been reauthorized by Congress and has received initial funding), and the Little Dell Lake Recreation Component (has been authorized by Congress and has received partial funding)

Recently completed Little Dell Reservoir is operated in cooperation with Salt Lake County for flood control and the Metropolitan Water District of Salt Lake for water supply.

#### **16.3.5 Environmental Protection Agency**

The Environmental Protection Agency (EPA) has regulatory responsibilities, particularly in water quality. The EPA programs dealing with water resources are the safe drinking water program under the Federal Safe Drinking Water Act (SDWA) of 1974, as amended in 1996, and water pollution control under the Clean Water Act (CWA). The SDWA substantially increased the number of regulated drinking water contaminants, added new required treatment methods and made other revisions. The 1996 amendment authorized more than \$12 billion in federal funds for various drinking water programs and activities nationwide.

Several aspects of the Clean Water Act are:

**National Pollutant Discharge Elimination System (NPDES)** - The NPDES program (Clean Water Act, Section 402) regulates the discharge of point sources of pollutants to waters of the United States.

**Construction Grants** - This program originally provided grant funds for construction of needed municipal wastewater treatment facilities. It was phased out in 1990 and replaced with a revolving loan fund managed by the state.

**Water Quality Management Planning and Non-point Source Pollution Control** - Section 205 (j) of the Clean Water Act provides funds to states to carry out water quality management planning. Section 319 of the act authorizes funding for implementation of non-point source pollution control measures under state leadership.

#### **16.3.6 Farm Service Agency**

Farm Service Agency (FSA - formerly the Agricultural Stabilization and Conservation Service)

administers farm commodity, crop insurance, and conservation programs for farmers and ranchers. As of October 1995, FSA also administers the farm ownership and operating loans formerly provided by the Farmers Home Administration.

The FSA's conservation programs include the Agricultural Conservation Program (ACP), the Emergency Conservation Programs (ECP), and the Conservation Reserve Program (CRP). The ACP is a comprehensive program designed to reduce soil erosion, mitigate water pollution, protect and improve the condition of both cropland and pastures, conserve water, preserve and enhance wildlife habitat, and where possible, encourage the conservation of energy. Projects are evaluated at the local level on a case-by-case basis to determine consistency with the overall ACP objectives. The ACP is administered by state and county committees that are made up of local farmers and ranchers.

The ECP provides emergency cost-share funding for a number of farm-related disasters that include, but are not limited to excessive wind erosion, floods and extended periods of extreme drought conditions. The CRP was established to encourage farmers through contracts and annual payments to reduce soil erosion. In addition, CRP eligibility has been expanded to promote the preservation and maintenance of wetlands, wildlife habitat and water quality.

The USDA-Natural Resources Conservation Service, USDA-Forest Service, and the Utah Division of Forestry, Fire and State Lands provides technical program guidance. The USU-Cooperative Extension Service provides educational support. (See Tables 8-2 and 8-3).

#### **16.3.7 Federal Emergency Management Agency**

Federal Emergency Management Agency (FEMA) programs are related to disaster preparedness, assistance and mitigation. They provide technical assistance, loans and grants.

**Presidential Declared Disaster** - Following a presidential declaration of a major disaster, usually in response to a state request, grants are available to the state and local governments for mitigation of disaster-related damage.

**Assistance Grants** - The FEMA can provide grants on a matching basis to help the state develop and improve disaster preparedness plans and develop effective state and local emergency management

organizations. Also, grants are available to develop earthquake preparedness capabilities.

**Flood Plain Management** - The FEMA provides technical assistance to reduce potential flood losses through flood plain management. This includes flood hazard studies to delineate flood plains, advisory services to prepare and administer flood plain management ordinances, and assistance in enrolling in the National Flood Insurance Program. The FEMA can also assist with the acquisition of structures in the flood plain subject to continual flooding.

### 16.3.8 Fish and Wildlife Service

The Fish and Wildlife Service (FWS) has jurisdictional responsibility over wildlife issues with national implications, such as migratory birds and threatened and endangered species. No land or water areas in the basin are directly managed by the FWS.

Table 16-1 lists the species considered threatened or endangered which may occur in the Jordan River Basin. The list changes over time as various species are added when they become threatened or removed from the list as they recover. When any activity is planned which may impact a threatened or endangered species, it is the responsibility of the

Table 16-1 THREATENED OR ENDANGERED SPECIES	
Peregrine falcon	endangered
Whooping crane	endangered
Clay phacelia	endangered
Utah valvata Snail	endangered
Bald eagle	threatened
Ute ladies' tresses	threatened

sponsor to take actions to protect them. The FWS compiles lists of native animal and plant species being reviewed for possible addition to the list of endangered and threatened species. Such species are generally referred to as candidates. While these species presently have no legal protection under the Endangered Species Act, it is within the spirit of the act to consider project impacts to potentially sensitive candidate species. From a planning perspective, it is also prudent to consider the possibility that a candidate species could, in the future, be added to the list of threatened and endangered species. The only candidate species listed for the Jordan River Basin is the spotted frog.

When right-of-way permits are required on federal lands, the consultation requirement under the Fish and Wildlife Coordination Act is actuated. If federal funds are involved, Section 7 consultation with the FWS is required by the Federal Endangered Species Act (See Section 14). In either case, the permitting federal agency will review any proposed action and determine if the action would effect any listed species or their critical habitat. The Section 404 permitting process of the Clean Water Act administered by the Corps of Engineers also calls for Fish and Wildlife Service response on impacts to wetlands as well as threatened or endangered species.

Under the Migratory Bird Treaty Act, all migratory birds are protected with the exception of starlings, English sparrows and pigeons. The Endangered Species Act also prohibits the "taking" of a protected species. Any unpermitted activity on any land that results in "take" of federally listed species constitutes violation of Section 9 of the Endangered Species Act. "Take" under the act is defined as "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect or to attempt to engage in any such conduct." This can include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

### 16.3.9 Forest Service

The Forest Service manages the Wasatch-Cache National Forest, a total of 95,533 acres in the Wasatch Range on the east side of the Salt Lake Valley. These Forest Service lands include three wilderness areas: Mount Olympus, Twin Peaks and Lone Peak, which altogether comprise roughly a third of the Forest Service's jurisdictional lands in the county. All of the National Forest lands, except for Mill Creek Canyon, are designated as watershed areas and managed under the guidelines established by the Federal Wilderness Area regulations.

Water-related programs of the Forest Service include watershed management; special use authorization for water development projects; and coordination with local, state and federal agencies. They also manage wilderness areas located on national forest lands.

**Watershed Management** - Proper watershed management and protection can insure that activities will not cause undue soil erosion and stream

sedimentation, or result in reduced soil productivity or otherwise degrade water quality. Water yields can also be affected as a result of a well-planned timber harvest. Potential increases may approach one-half acre-foot per acre for some treated areas, but multiple-use considerations and specific on-site conditions may limit actual increases.

**Special Use Authorization** - Construction and operation of reservoirs, conveyance ditches, hydropower facilities and other water resources developments require special use authorization and usually an annual fee. Authorization contains conditions necessary to protect all other resource uses. Coordination of water developments by others require communication early in the planning process to guarantee environmental concerns are addressed.

#### **16.3.10 Geological Survey**

The U.S. Geological Survey (USGS) is mainly a data collection and research agency. Through its Water Resources Division, it investigates the occurrence, quantity, distribution and movement of surface water and groundwater and coordinates federal water data acquisition activities. The USGS performs continuing programs in cooperation (cost sharing) with various state and local agencies. These include water quality and water level changes in the groundwater, as well as surface water stream gages that are monitored and evaluated.

A new program which started in 1996 is the *Great Salt Lake National Water Quality Assessment (NAWQA) Study*. The program is entirely funded by the federal government and includes the drainage basins of the Bear, Weber, and Jordan rivers. The long-term goals of the NAWQA program are to describe the status of and trends in the quality of a large, representative part of the nation's surface and groundwater resources. The program is intended to produce a wealth of water-quality information that will be useful to policy makers and managers at the federal, state, and local levels.

#### **16.3.11 Natural Resources Conservation Service**

Formerly known as the Soil Conservation Service, the Natural Resources Conservation Service (NRCS) has been, and continues to be, a service agency providing technical and financial assistance to the agricultural industry. NRCS projects do not have to be approved by Congress, and are provided for by the Soil and Domestic Allotment Act of 1935. This

act calls for the development and implementation of a continuing program of soil and water conservation on all lands, regardless of ownership. Over the years, additional programs have been added.

The NRCS snow survey program in the basin provides for and coordinates surveys and prepares forecasts of seasonal water supplies. This is a cooperative program with state and other federal agencies for the benefit of water users.

The Watershed Protection and Flood Prevention Act (Public Law 83-566), as amended, gives primary responsibility to NRCS for small, upstream watershed activities. There is a published soil survey report covering most of Salt Lake Valley.

#### **16.3.12 Rural Development**

Rural Development, through the Rural Utilities Service, is authorized to provide financial assistance for water and waste disposal facilities in rural areas and towns of up to 10,000 people. Priority is given to public entities in areas smaller than 5,500 people to restore, improve or enlarge a water facility. To be eligible for loan and grant funds, water waste disposal systems must be consistent with state or subdivision development plans and regulation. Loans for RC&D projects are also available.

### **16.4 Prospects for Future Federal Involvement**

Federal programs most significant to the Jordan River Basin in the immediate future are the following: (1) The Central Utah Project (CUP) completion, under the Central Utah Project Completion Act, not only represents a culinary water source for the Wasatch Front but includes a considerable amount of environmental mitigation funding which will be used to rehabilitate streams in the Jordan River Basin; and (2) the EPA's authority under the Federal Safe Drinking Water Act and Clean Water Act. Further comprehensive federal studies in the Jordan River Basin and/or participation by the BOR, COE, or NRCS in future development would be welcomed, but they do not appear likely. ■